

REMARKS

The aforementioned amendments and this request for reconsideration is being filed in response to the Office Action mailed February 12, 2008, the period of response having been extended until August 12, 2008. Claims 1-7, 9-18 and 20-83 remain in this application.

Applicant submits that claims 1, 39 and 49 have been amended to more clearly define the present invention reciting to a fully implantable nerve stimulation system for which all components are configured so as to be implantable.

In the outstanding Office Action, the Examiner had rejected claims 1, 33, 34, 37, 38 and 48 under 35 U.S.C. 102(b) as being anticipated by WO 2002/60445 (Haugland). Respectfully, Applicant disagrees with the Examiner's conclusion of anticipation for the following reason.

Haugland is noted to teach a system having reduced complexity (page 11, lines 1-2), which concept is clarified in the same page in lines 4 through 17 wherein the implanted and non-implanted components are described in such a way as to minimize the surgical intervention. This reference further discloses that implanted electronics are not desirable, thus teaching away from a fully implantable nerve stimulation system as claimed by Applicant. Haugland then discloses that "a corresponding external unit can also be placed above the knee and thus more out of sight" (page 11, lines 16-17), which again emphasizes that the system comprises external components.

Furthermore, throughout the entire disclosure of Haugland, all references to the power source and signal analysis module are clearly defined as being external to the body, thus again teaching away from a fully implantable nerve stimulation system. For example, the following references and figures clearly define external components: external unit (page 19, line 16), inductive link across the skin (page 21, line 30), external transmitter modulation (page 22, line 9), coils for providing power to the system placed on the surface of the skin (page 23, lines 19-23), external nerve signal receiver (page 30, line 26), power transmitter and signal receiver forming the external part of the system (page 31, lines 16-18), external equipment being simplified (page 34, line 12), transmission through the skin (page 35, line 8), external unit (page

35, line 12), apparatus attached to the upper leg of a patient or carried in a belt (page 37, lines 30-31, portable device (page 39, lines 4-5), and external devices and implanted devices (figures 5, 8 and 9).

In view of the aforesaid, Applicant respectfully submits that claim 1 as presently amended is not anticipated by Haugland. Furthermore, as claims 33, 34, 37, 38 and 48 either directly or indirectly depend from claim 1 which is asserted to be patentable, these claims are also believed to recite patentable subject matter.

In the Office Action, the Examiner rejected claims 2-5, 22, 31, 32, 49-53, 59, 64-68, 71-73 and 76-83 under 35 U.S.C. 103(a) as being unpatentable as obvious over WO 2002/60445 (Haugland). Respectfully, the Applicant disagrees with the Examiner for the following reason(s).

The arguments of amended claim 1 are reiterated as regards the 103(a) rejection. As the amended claim is believed to recite subject matter which is not obvious in view of the rejection of record, claim 1 and dependent claims 2-5, 16-18 and 31-34 are believed to recite patentable subject matter.

The Applicant submits that claims 2-5, 9, 16-18 and 31-34 directly or indirectly dependant on allowable claim 1 are patentable over Haugland for at least the same reason.

Regarding claim 49, Applicant submits that Haugland discloses at page 33, line 11 through 25, that information related to the foot orientation as it lands on the floor could be obtained from selective nerve sensing. This is possible since it is the foot segment that is in direct contact with the floor during gait. Information related to ground reaction forces, felt by the sole of the foot during gait, can be inferred through nerve sensing. However, this technique is not applicable to the thigh segment since the thigh segment is not in direct contact with the floor during gait. Thus, Applicant submits that the determination of the thigh orientation is not possible with the system taught by Haugland and consequently that one skilled in the art would not have found it obvious to use thigh orientation based on the teachings of Haugland

concerning the determination of the foot orientation, which relies on sensed ground reaction forces.

The Applicant submits that claims 50-53, 59, 64-68, 71-73 and 76-83 directly or indirectly dependant on allowable claim 49 are patentable over Haugland for at least the same reason(s).

In view of the aforementioned amendments and arguments both supporting the claimed invention as well as distinguishing the same over the prior art of record, Applicant respectfully requests favorable reconsideration of the invention as now claimed. As Applicant believes that the patentable nature of the claims has been established over the prior art of record, favorable reconsideration and an early indication of allowance are earnestly solicited.

Respectfully Submitted,

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Date: August 27, 2008

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